



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2256

Introduced 2/20/2009, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-600

210 ILCS 45/2-104.2

210 ILCS 50/3.57

210 ILCS 85/6.19

755 ILCS 40/65

from Ch. 111 1/2, par. 4152-104.2

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code, Nursing Home Care Act, Emergency Medical Services (EMS) Systems Act, Hospital Licensing Act, and Health Care Surrogate Act to refer to life sustaining treatment (instead of do not resuscitate) advance directive orders. Provides that the Department of Public Health shall publish (instead of adopt, by rule, and publish) Spanish language versions of specified health care directive forms. Amends the Health Care Surrogate Act to require that a life sustaining treatment advance directive be witnessed by one individual (instead of 2 individuals) 18 years of age or older.

LRB096 03265 AJO 13282 b

1 AN ACT concerning advance directives.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-600 as follows:

7 (20 ILCS 2310/2310-600)

8 Sec. 2310-600. Advance directive information.

9 (a) The Department of Public Health shall prepare and
10 publish the summary of advance directives law in Illinois that
11 is required by the federal Patient Self-Determination Act.
12 Publication may be limited to the World Wide Web.

13 (b) The Department of Public Health shall ~~adopt, by rule,~~
14 ~~and~~ publish Spanish language versions of the following:

15 (1) The statutory Living Will Declaration form.

16 (2) The Illinois Statutory Short Form Power of Attorney
17 for Health Care.

18 (3) The statutory Declaration of Mental Health
19 Treatment Form.

20 (4) The summary of advance directives law in Illinois.

21 (5) Any statewide uniform Life-Sustaining Treatment
22 Advanced Directive ~~Do Not Resuscitate~~ forms.

23 Publication may be limited to the World Wide Web.

1 (b-5) In consultation with a statewide professional
2 organization representing physicians licensed to practice
3 medicine in all its branches, statewide organizations
4 representing nursing homes, and a statewide organization
5 representing hospitals, the Department of Public Health shall
6 develop and publish a uniform form for physician
7 Life-Sustaining Treatment ~~do not resuscitate~~ orders that may
8 be utilized in all settings. The form may be referred to as the
9 Department of Public Health Uniform Life-Sustaining Treatment
10 ~~DNR~~ Advance Directive. This advance directive does not replace
11 a physician's do-not-resuscitate (DNR) order.

12 (c) The Department of Public Health may contract with
13 statewide professional organizations representing physicians
14 licensed to practice medicine in all its branches to prepare
15 and publish materials required by this Section. The Department
16 of Public Health may consult with a statewide organization
17 representing registered professional nurses on preparing
18 materials required by this Section.

19 (Source: P.A. 94-865, eff. 6-16-06.)

20 Section 10. The Nursing Home Care Act is amended by
21 changing Section 2-104.2 as follows:

22 (210 ILCS 45/2-104.2) (from Ch. 111 1/2, par. 4152-104.2)

23 Sec. 2-104.2. Do-Not-Resuscitate Orders. Every facility
24 licensed under this Act shall establish a policy for the

1 implementation of physician orders limiting resuscitation such
2 as those commonly referred to as "Do-Not-Resuscitate" orders.
3 This policy may only prescribe the format, method of
4 documentation and duration of any physician orders limiting
5 resuscitation. Any orders under this policy shall be honored by
6 the facility. The Department of Public Health Uniform
7 Life-Sustaining Treatment Advanced Directive ~~DNR~~ Advance
8 Directive or a copy of that Advance Directive shall be honored
9 by the facility.

10 (Source: P.A. 94-865, eff. 6-16-06.)

11 Section 15. The Emergency Medical Services (EMS) Systems
12 Act is amended by changing Section 3.57 as follows:

13 (210 ILCS 50/3.57)

14 Sec. 3.57. Physician do-not-resuscitate orders. The
15 Department of Public Health Uniform Life-Sustaining Treatment
16 ~~DNR~~ Advance Directive or a copy of that Advance Directive shall
17 be honored under this Act.

18 (Source: P.A. 94-865, eff. 6-16-06.)

19 Section 20. The Hospital Licensing Act is amended by
20 changing Section 6.19 as follows:

21 (210 ILCS 85/6.19)

22 Sec. 6.19. Do-not-resuscitate orders. Every facility

1 licensed under this Act shall establish a policy for the
2 implementation of physician orders limiting resuscitation,
3 such as those orders commonly referred to as
4 "do-not-resuscitate" orders. This policy may prescribe only
5 the format, method of documentation, and duration of any
6 physician orders limiting resuscitation. The policy may
7 include forms to be used. Any orders issued under the policy
8 shall be honored by the facility. The Department of Public
9 Health Uniform Life-Sustaining Treatment ~~DNR~~ Advance Directive
10 or a copy of that Advance Directive shall be honored under any
11 policy established under this Section.

12 (Source: P.A. 94-865, eff. 6-16-06.)

13 Section 25. The Health Care Surrogate Act is amended by
14 changing Section 65 as follows:

15 (755 ILCS 40/65)

16 Sec. 65. Life-sustaining treatment ~~Do not resuscitate~~
17 advance directive forms.

18 (a) An individual of sound mind and having reached the age
19 of majority or having obtained the status of an emancipated
20 person pursuant to the Emancipation of Minors Act may execute a
21 document (consistent with the Department of Public Health
22 Uniform Life-Sustaining Treatment ~~DNR~~ Advance Directive)
23 directing that resuscitating efforts shall not be implemented.
24 Such a document may also be executed by an attending physician.

1 Notwithstanding the existence of a (DNR) do-not resuscitate ~~DNR~~
2 order, appropriate organ donation treatment may be applied or
3 continued temporarily in the event of the patient's death, in
4 accordance with subsection (g) of Section 20 of this Act, if
5 the patient is an organ donor.

6 (b) Consent to a life-sustaining treatment ~~DNR~~ Advance
7 Directive may be obtained from the individual, or from another
8 person at the individual's direction, or from the individual's
9 legal guardian, agent under a power of attorney for health
10 care, or surrogate decision maker, and witnessed by one
11 individual ~~2 individuals~~ 18 years of age or older.

12 (c) The Life-Sustaining Treatment ~~DNR~~ Advance Directive
13 may, but need not, be in the form adopted by the Department of
14 Public Health pursuant to Section 2310-600 of the Department of
15 Public Health Powers and Duties Law (20 ILCS 2310/2310-600).

16 (d) A health care professional or health care provider may
17 presume, in the absence of knowledge to the contrary, that a
18 completed Department of Public Health Uniform Life-Sustaining
19 Treatment ~~DNR~~ Advance Directive or a copy of that Advance
20 Directive is a valid Life-Sustaining Treatment ~~DNR~~ Advance
21 Directive. A health care professional or health care provider,
22 or an employee of a health care professional or health care
23 provider, who in good faith complies with a Life-Sustaining
24 Treatment Advanced Directive or a do-not-resuscitate order
25 made in accordance with this Act is not, as a result of that
26 compliance, subject to any criminal or civil liability, except

1 for willful and wanton misconduct, and may not be found to have
2 committed an act of unprofessional conduct.

3 (e) Nothing in this Section or this Amendatory Act of the
4 94th General Assembly shall be construed to affect the ability
5 of a physician to make a do-not resuscitate ~~DNR~~ order.

6 (Source: P.A. 93-794, eff. 7-22-04; 94-865, eff. 6-16-06.)